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Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TEHMINE TINA KOSTANYAN,

Defendant.

Case No.: 2:17-cr-00075-RFB

**STIPULATION TO CONTINUE
SENTENCING HEARING**

(Second Request)

IT IS HEREBY STIPULATED AND AGREED by and between Christopher Chiou, Acting United States Attorney, and Kimberly Frayn, Assistant United States Attorney, counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Tehmine Tina Kostanyan, that the sentencing hearing currently scheduled for December 16, 2021 at 9:00 a.m. be vacated and set to a date and time convenient to this Court, but no sooner than 90-days.

The Stipulation is entered into for the following reasons:

1. The defendant is out of custody and does not object to the continuance.

1 2. The parties agree to the continuance for a period of not less than 90-days.

2 3. The requested time is not for purposes of delay. The parties are trying to
3 finalize the pleadings for the civil denaturalization case that is part of the plea agreement.

4 4. The parties need additional time to prepare and file their sentencing
5 memoranda.

6 5. The additional time requested herein is not sought for purposes of delay,
7 but merely to allow the parties sufficient time within which adequately prepare for the
8 sentencing hearing. Additionally, denial of this request for continuance could result in a
9 miscarriage of justice, and the ends of justice served by granting this request, outweigh
10 the best interest of the public and the defendant in a speedy hearing.

11 6. This is the 2nd stipulation to continue the sentencing hearing.

12
13 DATED: November 17, 2021

14 CHRISTOPHER CHIOU
15 Acting United States Attorney

16
17 By /s/Todd M. Leventhal
18 TODD M. LEVENTHAL
19 Counsel for Defendant

20 By /s/Kimberly M. Frayn
21 KIMBERLY M. FRAYN
22 Assistant United States Attorney

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**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance for a period of not less than 90-days.
3. The requested time is not for purposes of delay. The parties are trying to finalize the pleadings for the civil denaturalization case that is part of the plea agreement.

4. The parties need additional time to prepare and file their sentencing memoranda.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow the parties sufficient time within which adequately prepare for the sentencing hearing. Additionally, denial of this request for continuance could result in a miscarriage of justice, and the ends of justice served by granting this request, outweigh the best interest of the public and the defendant in a speedy hearing.

6. This is the 2nd stipulation to continue the sentencing hearing.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the above-captioned matters, currently scheduled for December 16, 2021, be vacated and continued to a date and time convenient to this Court, but not sooner than 90-days , that is on Tuesday, March 22, 2022, at the hour of 11:00 a.m./p.m.

DATED this 18th day of November 2021.

BY:
HONORABLE RICHARD F. BOULWARE, II
United States District Judge